

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION**

MDL No. 1968

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF CARL N. FRANKOVITCH FOR APPOINTMENT TO
PLAINTIFFS' STEERING COMMITTEE**

The undersigned, Carl N. Frankovitch, of the law firm of Frankovitch, Anetakis, Colantonio & Simon, submits this Application to serve on the Plaintiffs' Steering Committee.

This firm has Digitek cases in this MDL and will continue to file in this MDL. As set forth in support of this Application, I am willing and available to commit to this project, have a proven ability to work cooperatively with others, and have the necessary experience in this type of litigation.

I am a graduate of the College of William and Mary with a Bachelor of Science degree. I gained my law degree in 1972 from the West Virginia University of Law and graduated *Order of the Coif*; Phi Alpha Delta; and Note Editor of West Virginia Law Review. I have handled all aspects of product liability litigation similar to the above-referenced action, including class action and mass tort claims. I served as co-liaison/lead counsel for *In Re: Serzone Products Liability Litigation*, U.S. District Court, Southern District of West Virginia, MDL NO. 1477. I also served as co-lead counsel in other pharmaceutical cases including class counsel for the statewide class action *In Re: Diet Drug Litigation*, Civil Action No. 98-C-9999; West Virginia Mass Litigation Panel case

In Re: West Virginia Rezulin Litigation, Civil Action No. 00-C-1180; Keith Smith, et al. v. Bayer Corp.; Civil Action No. 01-C-191 and Michael McCallister, et al. v. Purdue Pharma, L.P., Civil action No. 01-C-238.

I presently have the time, financial resources, and energy available for this project, as well as an active interest in this project. Moreover, as a partner of my firm, I can assure you that proper staffing and financial backing are provided to this litigation to ensure proper pursuit of this matter.

WHEREFORE, movant prays this Honorable Court for consideration of his application to serve on the Plaintiffs' Steering Committee in the above-captioned matter.

Respectfully submitted,



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CERTIFICATE OF SERVICES

I hereby certify that a true and correct copy of this Application has been electronically filed with the Clerk of Court this 17th day of October, 2008 by using the CM/ECF system which will send notice of electronic filing to all parties of records at the e-mail addresses on file with the Clerk of Court.



Carl N. Frankovitch, Esq.